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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

RICHARD CHARLES THOMAS, JR.,

Defendant.

CASE NO. 1:21-CR-00158-NONE-SKO

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

CURRENT DATE: October 5, 2022
TIME: 1:00 p.m.
COURT: Hon. Sheila K. Oberto

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and RICHARD CHARLES THOMAS, JR., by and through defendant's counsel of record, Jaya C. Gupta, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 5, 2022.
2. By this stipulation, defendant now moves to continue the status conference until January 18, 2023, and to exclude time between October 5, 2022, and January 18, 2023, under Local Code T4.
3. While the parties anticipate that the case may resolve without a trial, this is not yet a certainty. If defendant ultimately does not enter a guilty plea and decides to proceed to trial, the parties agree and stipulate, and request that the Court find the following:
 - a) The government asserts the discovery associated with this case includes reports, photographs, and recordings; discovery has been provided to defense counsel. The government

1 is aware of its ongoing discovery obligations.

2 b) The parties are in ongoing plea discussions.

3 c) Counsel for defendant desires additional time to consult with her client, to review
4 the current charges, to conduct investigation and research related to the charges, to review and/or
5 copy discovery for this matter, to discuss potential resolutions with her client, to prepare pretrial
6 motions, and to otherwise prepare for trial.

7 d) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny them the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 e) The government does not object to the continuance.

11 f) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of October 5, 2022 to January 18,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4], because it results from a continuance granted by the Court at defendant's request on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial.

20 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
21 Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial
22 must commence.

23
24 IT IS SO STIPULATED.

25 Dated: September 27, 2022

26 PHILLIP A. TALBERT
United States Attorney

27 /s/ JESSICA A. MASSEY
28 JESSICA A. MASSEY
Assistant United States Attorney

1 Dated: September 27, 2022

/s/ JAYA C. GUPTA
JAYA C. GUPTA
Counsel for Defendant
RICHARD CHARLES
THOMAS, JR.

6 **ORDER**

7 IT IS SO ORDERED.

8
9 DATED: 9/28/2022

Sheila K. Oberto
Hon. Sheila K. Oberto
U.S. Magistrate Judge